

**WAC 173-901-130 Applying for an exemption. (1) Applicability.**

Manufacturers of brake friction material or motor vehicles may apply to the department for an exemption from the requirements of this chapter. Exemptions are limited to:

- (a) Small volume vehicle manufacturers;
- (b) Specific motor vehicle models; or
- (c) Special classes of vehicles, such as fire trucks, police cars, and heavy or wide-load equipment hauling vehicles.

(2) **Criteria for receiving an exemption.** To receive an exemption the manufacturer must demonstrate that complying with the requirements of chapter 70.285 RCW and this chapter:

- (a) Is not feasible;
- (b) Does not allow compliance with safety standards; or
- (c) Causes significant financial hardship.

(3) **Application contents.** The application must include:

(a) The contact information, including the name, phone, email, and mailing address, for a representative of the manufacturer seeking the exemption who can answer questions about the application;

(b) A detailed description of:

(i) The specific motor vehicle model or the class of motor vehicle for which the brake friction material is designed;

(ii) The special needs or characteristics of the vehicle(s) that require the use of noncompliant brake friction material;

(iii) Brake friction material for which the exemption is sought including the concentration of the regulated constituent(s) and copper in the brake friction material for which the applicant is seeking an exemption; and

(iv) The purpose of the regulated constituent(s) and copper in the brake friction material.

(c) An estimate of the number of vehicles in Washington state that would be able to use the exempted brake friction material and a description of the method used to derive this estimate;

(d) A statement that complying with the requirements of this chapter is not feasible, does not allow compliance with safety standards, or causes significant financial hardship;

(e) Detailed documentation that reasonably demonstrates that the statement in subsection (3)(d) of this section is true and correct. Documentation must at a minimum include:

(i) A list of all known brake friction materials that meet the requirements of chapter 70.285 RCW and this chapter;

(ii) An analysis of why these brake friction materials are not viable options for the specific vehicle model, class of vehicle, or small volume vehicle manufacturer for which the exemption is sought; and

(iii) If the applicant is seeking an exemption on the grounds that complying with the requirements of this chapter would cause a significant financial hardship, the applicant must submit financial documents demonstrating this to be the case.

(f) A description of the efforts the manufacturer has undertaken to reach compliance with chapter 70.285 RCW prior to seeking an exemption; and

(g) The signature of an authorized representative of the manufacturer and an accompanying dated statement that declares under penalty of perjury according to the laws of the state of Washington that the information contained in the application is accurate.

(4) Applicants must submit an electronic copy of the application to the department.

[Statutory Authority: Chapter 70.285 RCW. WSR 12-21-082 (Order 10-17),  
§ 173-901-130, filed 10/19/12, effective 11/19/12.]